FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4539 OF 2005

Office notes, office Memoranda of appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's Orders

Mr. P.N. Joshi for the petitioners.

Mr. P.S. Dani for respondents 1 and 2.

CORAM: SMT. RANJANA DESAI, J.

DATED: 2ND SEPTEMBER, 2005.

P.C.:-

Heard the learned counsel for the parties.

By the impugned order, the application preferred by respondents 1 and 2 to carry out the amendment to the plaint is allowed. In this petition, the petitioner has challenged the legality and validity of the said order.

It appears that the TILR has

deposed that he could not mention the encroached portion due to some technical difficulty. Therefore, the plaintiff's case is that it is necessary to bring the proposed amendment i.e. to direct the TILR to carry out the measurement of the suit land and fix his portion as per sale deed dated 17/7/1981.

In my opinion, the application of respondents 1 and 2 has been rightly granted. This amendment does not change the nature of the suit. No interference is necessary.

Petition is rejected.

(SMT. RANJANA DESAI, J.)